United Nations S/2010/186

Security Council

Distr.: General
14 April 2010

Original: English

Letter dated 13 April 2010 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Please find attached the statement issued by Ahmed Bin Abdullah Al-Mahmoud, Minister of State for Foreign Affairs of Qatar, and Djibrill Bassole, African Union-United Nations Joint Chief Mediator, in Doha on 7 April 2010, confirming the continuation of the negotiations on Darfur after the ongoing elections in the Sudan and calling upon all parties to effectively participate (see annex).

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Abdalmahmood **Abdalhaleem**
Permanent Representative

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Annex to the letter dated 13 April 2010 from the Permanent Representative of the Sudan to the United Nations addressed to the President of the Security Council

Statement by the Mediation

Ahmed Bin Abdullah Al-Mahmoud, Minister of State for Foreign Affairs of the State of Qatar, and Djibrill Bassolé, the African Union-United Nations Joint Chief Mediator for Darfur, issued the following statement:

The Mediation welcomed the framework agreement signed between the Government of the Sudan and the Justice and Equality Movement on 23 February 2010, which includes a ceasefire declaration, and also welcomed the framework agreement and ceasefire agreement between the Government of the Sudan and the Liberation and Justice Movement signed on 18 March 2010.

The Mediation affirms that the signing of these agreements is a quantum leap and a crucial phase of the ongoing Doha peace process, which is considered a culmination of the efforts exerted by the Mediation with the parties, in coordination with all regional and international partners in the Darfur peace process.

In this context, the Mediation earnestly calls on the parties to fully comply with the declared ceasefire, with a view to promoting confidence among the parties, improving the security and humanitarian conditions in Darfur, creating an environment conducive to negotiations and alleviating the sufferings of the population in Darfur.

The Mediation further confirms the continuation of the negotiations after the upcoming elections scheduled to be held in the Sudan during April, calling upon all parties to effectively participate in the negotiations, which will be predicated on the negotiation topics agreed upon in the foregoing agreements.

In the meantime, the Mediation will organize technical workshops for capacity-building while intensifying consultations with Darfurian civil society on the prospects of the peace process in order to lend impetus to the negotiations which will continue next May, following the end of the elections in accordance with a specific time frame to be duly announced by the Mediation.

The Mediation calls upon the parties which have not yet joined the negotiations to seize this opportunity and do their utmost to catch up with the negotiations aimed at reaching a just and lasting peace in Darfur.

Doha, 7 April 2010

United Nations S/2010/187

Security Council

Distr.: General
14 April 2010

Original: English

Letter dated 14 April 2010 from the President of the Security Council addressed to the Secretary-General

I have the honour to inform you that the members of the Security Council have decided to send a mission to Africa (Democratic Republic of the Congo), tentatively from 16 to 20 April 2010. Ambassador Gerard Araud (France) will lead the mission. The members of the Council have agreed on the terms of reference of the mission (see annex).

Following consultations with the members, it has been agreed that the composition of the mission is as follows:

Ambassador Thomas Mayr-Harting (Austria)

Ambassador Ivan Barbalić (Bosnia and Herzegovina)

Ambassador Maria Luiza Viotti (Brazil)

Counsellor Du Xiaocong (China)

Ambassador Gerard Araud (France)

Ambassador Alfred Moungara Moussotsi (Gabon)

Ambassador Norihiro Okuda (Japan)

Ambassador Nawaf Salam (Lebanon)

Counsellor Guillermo Puente (Mexico)

Ambassador Raft Bukun-Olu Wole Onemola (Nigeria)

Minister Alexander Pankin (Russian Federation)

Ambassador Ertugrul Apakan (Turkey)

Ambassador Ruhakana Rugunda (Uganda)

Ambassador Mark Lyall Grant (United Kingdom of Great Britain and Northern Ireland)

Ambassador Brooke D. Anderson (United States of America)

I should be grateful if you could have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Yukio **Takasu**
President of the Security Council

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Annex

Security Council mission to Africa: terms of reference

A. Regional issues

The central objective of the Security Council mission to Africa in April 2010 is to discuss the mandate and configuration of the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and the future of the United Nations presence in the Democratic Republic of the Congo. To this end, it will take this opportunity

1. To recall the primary responsibility of the Security Council for the maintenance of international peace and security and commitment to the sovereignty, territorial integrity and political independence of all States in the Great Lakes region.

2. To express the strong support of the Security Council to the improvement of relations among the countries of the region and to encourage them to continue reinforcing cooperation in all fields, especially on political, economic and security issues, in order to guarantee the long-term stabilization of the Great Lakes region.

3. To reiterate support for the strengthening of the regional dynamic including through the development, where appropriate, of economic projects of common interest and the implementation of appropriate steps to facilitate legal trade and put an end to illegal trafficking of natural resources, as means to consolidate peace and security.

4. To reiterate that all parties should contribute to stabilizing the eastern part of the Democratic Republic of the Congo, to encourage Rwandan and Congolese authorities to work together and agree on a clear set of end-of-state objectives on the Forces Démocratiques de Libération du Rwanda (FDLR), in the framework of a multidimensional approach, and to recall the importance of full implementation of relevant Security Council resolutions, including resolution 1896 (2009), as a means to stabilize the situation.

5. To emphasize the support of the Council for action against the Lord's Resistance Army (LRA), to invite Governments in the region to develop a regional strategy to address the violations and abuses committed against civilians by the LRA, taking into account existing regional mechanisms as well as the need to effectively protect the affected population, and to discuss the role of United Nations peacekeeping missions in the LRA-affected areas.

B. Democratic Republic of the Congo (specific elements)

6. To recognize the primary responsibility of the Government of the Democratic Republic of the Congo to consolidate peace and stability, to promote recovery and development in the country, to protect civilians, to develop sustainable security sector institutions and to express the continued support of the Council in this regard.

7. To reaffirm the commitment of the Security Council to MONUC and to discuss the future reconfiguration of MONUC, in particular the critical tasks that need to be accomplished before MONUC can envisage its drawdown without triggering a relapse into instability, taking into account the discussions of the Technical Assessment Mission with the Congolese authorities in March 2010.

8. To reiterate the continuing concerns of the Council about the protection of civilians, to discuss the implementation of Security Council resolution 1906 (2009), to address the situation of internally displaced civilians and to advocate for respect for human rights and international humanitarian law, and for the need to address sexual-violence and child-protection issues, bearing in mind the conclusions of the Security Council Working Group on children and armed conflict, to recall the importance of the fight against impunity inter alia by strengthening the capacity of the judicial and correctional systems and to reiterate its recognition of the interrelated nature of the effective protection of civilians, reduction and removal of the threat of armed groups, and comprehensive and sustainable security sector reform.

9. To review the progress and discuss with the Congolese authorities their plans for a comprehensive and sustainable reform of the security sector, in particular the implementation of the National Plan for the reform of the Army as well as the Action Plans to reform the police and the National Action Plan for the Reform of the Justice System, and the role of the United Nations and the wider international community in support of their implementation.

10. To get updates on operation Amani Leo and the cooperation between the Armed Forces of the Democratic Republic of the Congo (FARDC) and MONUC against armed groups, and to reaffirm that all military operations should be carried out in accordance with international humanitarian, human rights and refugee law, as set out in the mandate of MONUC.

11. To reiterate the support of the Council for the strengthening of democratic institutions, the rule of law, and good governance in the Democratic Republic of the Congo, including through the holding of elections.

12. To draw insights from the experience of MONUC that can inform the Council members on current and future peacekeeping operations.

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General Assembly
Security Council

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22 April 2010

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General Assembly
Sixty-fourth session
Agenda items 9, 82, 92, 93, 96 and 107

Security Council
Sixty-fifth year

Report of the Security Council

Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization

Establishment of a nuclear-weapon-free zone in the region of the Middle East

Conclusion of effective international arrangements to assure non-nuclear-weapon States against the use or threat of use of nuclear weapons

General and complete disarmament

Report of the Secretary-General on the work of the Organization

Identical letters dated 13 April 2010 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General and the President of the Security Council

On 6 April 2010, the United States government published its Nuclear Posture Review, which outlines the United States nuclear strategy and policy and, among others, contains groundless allegations against the peaceful nuclear programme of the Islamic Republic of Iran. Following the release of the Nuclear Posture Review, some high-ranking officials of the United States, including the President, the Secretary of State and the Secretary of Defense, on the basis of wholly wrong assumptions, made public and implicit statements, threatening to use nuclear weapons against the Islamic Republic of Iran. For instance, the United States Secretary of Defense, in a news briefing held on 6 April 2010 at the Pentagon, asserted that "the Nuclear Posture Review has a very strong message for Iran ... because whether it's in declaratory policy or in other elements of the Nuclear Posture Review, we essentially carve out States like Iran ... And basically all options are on the table when it comes to countries in that category." He added "so,

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if there is a message for Iran here, it is that … all options are on the table in terms of how we deal with you."

In view of these developments, I would like to draw your kind attention to the following points:

1. Such inflammatory statements, which are tantamount to nuclear blackmail against a non-nuclear-weapon State signatory to the Treaty on the Non-Proliferation of Nuclear Weapons, constitute a serious violation of the obligations and commitment of the United States, under international law, in particular Article 2 (4) of the Charter of the United Nations and also the provisions of Security Council resolution 984 (1995), to refrain from the threat or use of force against any State.

2. It is evident that these statements are not only a declaration of intention but also part of an official document that articulates the policy of the United States on first use of nuclear weapons, at its discretion, against a non-nuclear-weapon State party to the Non-Proliferation Treaty and, therefore, pose a real threat to international peace and security and undermine the credibility of the Non-Proliferation Treaty. Such remarks by United States officials display once again the reliance of the Government of the United States on a militarized approach to various issues, to which the threats of use of nuclear weapons are not a solution at all.

3. The Islamic Republic of Iran, as a victim of weapons of mass destruction in recent history, is firmly committed to pursuing the realization of a world free from weapons of mass destruction, not only in words, but also through the full implementation of three major legal instruments banning weapons of mass destruction, namely the Non-Proliferation Treaty, the Biological Weapons Convention and the Chemical Weapons Convention. In addition, the Islamic Republic of Iran has categorically and consistently rejected the development, stockpiling and use of nuclear weapons on religious and constitutional grounds. Iran's nuclear activities are, and always have been, for peaceful purposes.

4. Forty years after the entry into force of the Non-Proliferation Treaty, and while United States officials are apparently advocating nuclear non-proliferation, let us not forget that the United States, as the only nuclear power to have used a nuclear weapon against the citizens of Hiroshima and Nagasaki, as a result of which 200,000 people perished, continues to illegitimately designate a non-nuclear-weapon State as a target of its nuclear weapons and contemplates military plans accordingly.

In view of the above-mentioned points, members of the United Nations should not condone or tolerate such nuclear blackmail in the twenty-first century and should take resolute action to ensure the total elimination of all nuclear weapons as the only absolute guarantee against the use or threat of use of nuclear weapons. In this regard, the United Nations and its relevant organs have a fundamental responsibility to strongly oppose the threat of use of nuclear weapons and to reject it.

It would be appreciated if the present letter could be circulated as a document of the General Assembly, under agenda items 9, 82, 92, 93, 96 and 107, and of the Security Council.

United Nations

A/64/748–S/2010/189

General Assembly
Security Council

Distr.: General
19 April 2010

Original: English

General Assembly
Sixty-fourth session
Agenda items 9 and 119

Security Council
Sixty-fifth year

Report of the Security Council

Question of equitable representation on and increase in the membership of the Security Council and related matters

Identical letters dated 15 April 2010 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly and the President of the Security Council

I have the pleasure to write to you today, in my capacity as Chair of the Coordinating Bureau of the Non-Aligned Movement concerning the open debate of the Security Council, to be held on 22 April 2010, on the implementation of the note by the President of the Security Council (S/2006/507) dated 19 July 2006.

In order to have a rich debate on the subject matter on 22 April, that could lead to achieving our mutual goal of improving the working methods of the Security Council, I am attaching herewith, for your consideration and the consideration of the members of the General Assembly, the Non-Aligned Movement's position concerning the working methods of the Security Council as stipulated in the relevant paragraphs of the Final Document (A/63/965-S/2009/514), adopted by the Fifteenth Summit of Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, in July 2009, with a view to assisting the Security Council in its efforts to achieve the desired progress in reforming the working methods of the Council (see annex).

It is further essential to reiterate that the Non-Aligned Movement attaches great importance to the issue of improving the working methods of the Security Council to increase the transparency, efficiency and legitimacy of the Council. Accordingly, the Non-Aligned Movement presented in this regard several initiatives, since the launch of the Security Council reform process, including, but not limited to, the comprehensive negotiating paper submitted by the Movement to the Security Council and the General Assembly in 1996, as contained in the report of the Open-ended Working Group on the Question of Equitable Representation on and Increase

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in the Membership of the Security Council and Other Matters Related to the Security Council (A/51/47).

In this regard, I stress the importance that the Non-Aligned Movement attaches to having its positions taken into consideration in any possible outcome of the open debate of the Security Council.

I should highly appreciate if the present letter and its annex could be circulated as a document of the General Assembly and of the Security Council.

(*Signed*) Maged A. **Abdelaziz**
Ambassador
Permanent Representative

Annex to the identical letters dated 15 April 2010 from the Permanent Representative of Egypt to the United Nations addressed to the President of the General Assembly and the President of the Security Council

Non-Aligned Movement's position concerning the working methods of the Security Council as stipulated in the relevant paragraphs of the Final Document (A/63/965-S/2009/514), adopted by the Fifteenth Summit of Heads of State and Government of the Non-Aligned Movement, held in Sharm el-Sheikh, in July 2009

Call on the Council to avoid resorting to Chapter VII of the Charter as an umbrella for addressing issues that do not necessarily pose a threat to international peace and security, and to fully utilise the provisions of other relevant Chapters, where appropriate, including Chapters VI and VIII, before invoking Chapter VII which should be a measure of last resort, if necessary. (para. 67.7)

Call upon the Security Council to uphold the primacy of and respect for the Charter in connection with its functions and powers and stresses once again that the decision by the Security Council to initiate formal or informal discussions on the situation in any Member State of the United Nations or any issue that does not constitute a threat to international peace and security is contrary to Article 24 of the Charter. (para. 67.4)

They stressed that the Security Council must fully observe all Charter provisions as well as all General Assembly resolutions, which clarify its relationship with the latter organ and other principal organs. In this context, they affirmed that Article 24 of the Charter does not necessarily provide the Security Council with the competence to address issues which fall within the functions and powers of the General Assembly and the ECOSOC, including in the areas of norm-setting, legislation, administrative and budgetary matters, and establishing definitions, bearing in mind that the Assembly is primarily tasked with the progressive development of international law and its codification.[1] The Heads of State and Government expressed their grave concern over the increasing and continuing encroachment by the Council on issues which clearly fall within the functions and powers of other principal organs of the United Nations and their subsidiary bodies. They further stressed that close cooperation and coordination among all principal organs is highly indispensable in order to enable the United Nations to remain relevant and capable of meeting the existing, new and emerging threats and challenges. (para. 57)

The Heads of State and Government reiterated its concern over the continuing encroachment by the Security Council on the functions and powers of the General Assembly and the Economic and Social Council through addressing issues which traditionally fall within the competence of the latter organs, and the attempts to enter areas of norm-setting, administrative and budgetary matters and establishing definitions which fall within the purview of the Assembly. (para. 59)

[1] In accordance with Article 13 (1) of the United Nations Charter.

Oppose and stop attempts to shift issues under the agenda of the General Assembly or the ECOSOC to the Security Council, and the encroachment by the latter on the functions and powers of the Assembly. (para. 60.7)

Call for more regular interactions between future July's Presidency of the Security Council and the wider membership of the United Nations, which can help enhance the quality of such reports. (para. 60.2)

Call on the Security Council, pursuant to Articles 15 (1) and 24 (3) of the United Nations Charter, to submit special reports for the consideration of the General Assembly. (para. 60.4)

Call on the Security Council to ensure that its monthly assessments are comprehensive and analytical, and issued in a timely fashion. The General Assembly may consider proposing parameters for the elaboration of such assessments. (para. 60.5)

Call on the Security Council to fully take into account the recommendations of the General Assembly on matters relating to international peace and security, consistent with Article 11 (2) of the Charter. (para. 60.6)

Transparency, openness and consistency are key elements that the Security Council should observe in all its activities, approaches and procedures. Regrettably, the Council has neglected these important factors on numerous occasions. Such instances include unscheduled open debates with selective notification, reluctance in convening open debates on some issues of high significance, repeatedly restricting participation in some of the open debates and discriminating between members and non-members of the Council particularly with regard to sequencing and time limits of statements during the open debates, failure to submit special reports to the General Assembly as required under Article 24 of the Charter, submission of annual reports still lacking sufficient information and analytical content, and lack of minimal parameters for the elaboration of the monthly assessment by the Security Council Presidencies. (para. 66.6)

The reform of the Security Council should be addressed in a comprehensive, transparent and balanced manner. It should ensure that the agenda of the Council reflects the needs and interests of both developing and developed countries, in an objective, rational, non-selective and non-arbitrary manner. (para. 66.7)

Call on the Council to increase the number of public meetings, in accordance with Articles 31 and 32 of the Charter, and that these meetings should provide real opportunities to take into account the views and contributions of the wider membership of the United Nations particularly non-Council members whose affairs are under the discussion of the Council. (para. 67.1)

Call on the Security Council to allow briefings by the Special Envoys or Representatives of the Secretary-General and the United Nations Secretariat to take place in public meetings, unless in exceptional circumstances. (para. 67.2)